

JAMES BROADUS.

MAY 25, 1842.

Read, and laid upon the table.

Mr. HALL, from the Committee on Revolutionary Claims, made the following

REPORT :

The Committee on Revolutionary Claims, to whom was referred the petition of the representatives of James Broadus, submit the following report :

The petitioners claim the commutation of an ensign for a service in the Virginia continental line to the close of the war. The petitioners state that James Broadus, now deceased, entered the army as a private early in 1776, was afterwards a sergeant, and finally commissioned an ensign, to take rank from the 25th of September, 1779, in the second Virginia regiment; that he continued at the North in active service, until the troops came to Virginia to meet Cornwallis; that he was in service of the siege of York; and that, after the surrender of Cornwallis, he returned home, but without resigning his commission, and was ready to join the army when called upon. Commutation pay is claimed for him as a retiring or supernumerary officer.

The parol evidence in support of the claim is all taken in the year 1832. Benjamin Ferguson knew James Broadus enlisted as a private in 1776; was afterwards an orderly sergeant, and finally an ensign; that he served until after the siege of York, and then returned home, and was not again in the service. He says it was always understood and believed that he never resigned his commission, but was ready to enter service again if required.

Susannah Broadus, widow of a brother of James Broadus, says he enlisted early in 1776; that he returned on furlough, went back again to the army, and she does not recollect seeing him again till 1780, when he was at home for a time, and was in regimentals, and that she missed him again till after the siege of York, when he returned, still an officer; that she never heard of his resigning, but considered he remained in a situation to take his post in the army again, if there had been a call for his services.

John Bourne was with James Broadus in the service, in the same company with him, from the spring of 1776 till the spring of 1778, but knows nothing further of his services.

Lucy C. Ferguson says Broadus was formerly an apprentice to her fa-

ther ; was an officer in the revolutionary army and returned home after the surrender of Cornwallis, in the fall of 1781, in which engagement he was present, and held the commission of an ensign.

William Jordan says he was in the militia service at the siege of York, and saw James Broadus in command as adjutant of one of the regiments. He understood and believed the said Broadus had been in the service at the northward, and had come with the troops marching from there to Yorktown ; he knows nothing further of the service of said Broadus, except that, when witness was discharged, after the surrender, he still remained in the service.

Churchill Gildes says he knew James Broadus in the army, from the fall of 1777 until near the end of 1779, and thinks he remained in the service afterwards.

The commission of James Broadus, as ensign in the second Virginia regiment, is produced, dated the 7th of January, 1780, but giving him rank from the 25th of September, 1779. There is also a certificate from the proper officer in Richmond, showing that James Broadus received the land bounty of a subaltern, 2,666 $\frac{2}{3}$ acres, February 19, 1784.

That James Broadus was an ensign in the Virginia continental line his commission fully proves ; and the parol evidence is strong that he entered the service early in 1776, and continued as a private and sergeant in the army till he received his commission, and afterwards until after the siege of York. It is obvious, however, that the witnesses could not know the manner of his leaving the service, whether by resignation or otherwise. It may be also remarked that Mrs. Broaders says *he came home in 1780, was at home for a time, and that she missed him again until after the siege of York.* The only witness who says he saw him at York, says *he was in command as the adjutant of a regiment*, but does not say whether of a continental or militia regiment. The witness himself belonged to the militia.

The name of James Broadus does not appear on any of the rolls of the Virginia line in the possession of the committee. If he served to the end of the war, or became a retiring officer after the siege of York, as claimed by the petitioners, his name ought to be found on all of the following rolls : 1. On the Chesterfield arrangement, made in February, 1781 ; 2. on the Cumberland arrangement of May, 1782 ; 3. on the Winchester arrangement of January 1, 1783 ; 4. on the list of officers to whom specie pay was due in 1782 and 1783 ; and, lastly, on the list of officers entitled to the United States bounty land. The fact that his name is not found on any of these rolls seems conclusive that he left the service before that of the earliest date was made, to wit, before February, 1781.

That he did so is confirmed by a certificate from the auditor's office in Virginia, from which it appears that, on the 2d of April, 1783, he settled his pay and depreciation account with that State, and received pay for his services from the 2d of October, 1779, to the 2d of December, 1780, and no longer. If he had served for a longer period in the continental army he would then have claimed and received his pay for such services. There can be no doubt that he left the army at that date by resignation.

The fact of his resigning at that time can hardly be said to be inconsistent with the parol testimony. If, when Mrs. Broadus says *he came home for a time in 1780*, we suppose him to have resigned, and afterwards on the invasion of Virginia, to have entered the militia service,

and continued therein till after the siege of York, the parol and record testimony may be harmonized. It is well known that many of the officers who had been in continental service, but who did not then belong to the line, were engaged in the militia service at that period.

It was the practice under the law of Virginia to grant bounties for three years' service according to the last rank held by the applicant. If Ensign Broadus had been in continued service for three years in the successive capacities of private, sergeant, and ensign, at the time of his resignation he would have been entitled to the land bounty of an ensign from that State. It was granted him in 1784, not for a service to the end of the war, but *for three years' service*, which is an additional confirmation that he resigned as before stated. If he had served to the end of the war, or become supernumerary at the siege of York, he would, in 1784, have been entitled to additional bounty, which he does not appear to have claimed.

Having resigned his commission, the heirs of James Broadus are not entitled to the commutation pay.

The first of these is the fact that the population of the country has increased very rapidly since the year 1850. This is due to a number of causes, the most important of which are the discovery of gold in California, the discovery of oil in Texas, and the discovery of coal in the West.

The second of these is the fact that the country has become more and more settled. This is due to the fact that the land is being cultivated more and more extensively, and the population is increasing more and more rapidly. This is also due to the fact that the country is becoming more and more civilized, and the people are becoming more and more educated.

The third of these is the fact that the country has become more and more industrial. This is due to the fact that the people are becoming more and more engaged in manufacturing and commerce, and the country is becoming more and more developed. This is also due to the fact that the country is becoming more and more civilized, and the people are becoming more and more educated.

The fourth of these is the fact that the country has become more and more united. This is due to the fact that the people are becoming more and more united in their interests, and the country is becoming more and more united in its government. This is also due to the fact that the country is becoming more and more civilized, and the people are becoming more and more educated.

The fifth of these is the fact that the country has become more and more prosperous. This is due to the fact that the people are becoming more and more prosperous, and the country is becoming more and more prosperous. This is also due to the fact that the country is becoming more and more civilized, and the people are becoming more and more educated.